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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,853	12/08/2003	Ju-II Lee	51876P414	4256

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EXAMINER

DICKEY, THOMAS L

ART UNIT	PAPER NUMBER
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2826

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,853

Applicant(s)

LEE, JU-IL

Examiner

Thomas L. Dickey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/02/2006 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. Claims 5, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over RHODES (6,333,205) in view of EL GAMAL ET AL. (6,642,543), HUANG ET AL. (6,146,795), and YANG ET AL. (6,184,055).

Rhodes discloses a method for manufacturing a CMOS image sensor, comprising the steps of a) preparing a semiconductor substrate 310 incorporating therein a p-type epitaxial layer (note paragraph 0041) therein, wherein the semiconductor substrate 310

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is divided into two parts of which one part is defined as a pixel array 14 having a number of pixels, each pixel containing a drive transistor 36, a select transistor 38, a transfer transistor 29 and a reset transistor 31, and the other part is defined as a logic circuit 60, the pixel array 14 being isolated from the logic circuit 60 by means of a field oxide region 341 therebetween; f) forming a second gate insulator layer 315 in the pixel array 14 and a top face of the p-type epitaxial layer in the logic circuit 60; and g) forming a plurality of photodiodes 24 and a plurality of the drive transistors 36, the select transistors 38, the transfer transistors 29 and the reset transistors 31 in the pixel array 14 based on the second gate insulator layer 315, and h) forming at least one transistor in the logic circuit 60 based on the second gate insulator layer 315. Note figures 1,2,4-17, column 3 lines 15-25, and column 7 lines 25-45 of Rhodes. Note that the examiner explicitly finds that Rhodes discloses a method for manufacturing a perfectly useful CMOS image sensor comprising each and every element recited in applicants' steps a), f), g) (with one exception, discussed below) and h). A fuller sense of the examiner's findings of what Rhodes et al. discloses may perhaps be had by examining Rhodes' claims (noting that Rhodes published more than one year prior to applicant's application) 28-36. The examiner specifically finds that Rhodes' claims 28-36 each "read on" any conceivable embodiment of the invention of claim 5. That is to say, each and every element Rhodes claims, applicants likewise claim in claim 5.

Rhodes does not, however, disclose that step f) should include forming the second gate insulator layer on top of a first gate insulator layer, that step g) should include an

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added step of basing the plurality of the drive transistors 36, the select transistors 38, the transfer transistors 29 and the reset transistors 31 in the pixel array 14 on said first gate insulator layer, or the steps of b) forming said first gate insulator layer of SiO_2 on a top face of the p-type epitaxial layer by thermally oxidizing the p-type epitaxial layer; c) forming a mask on a top face of the first gate insulator layer in the pixel array; d) removing the first gate insulator layer in the logic circuit by using the mask; and e) removing the mask in the pixel array using a thinner. Further, Rhodes does not disclose that all the transistors of the pixel array have the first and the second gate insulator layers.

However, El Gamal et al. discloses a CMOS image sensor with a pixel array 570 having thick (double-gate) gate insulators and a logic circuit 540-550 having thin gate insulators. At column 5 lines 22-25 El Gamal et al. explain that the thicker gate insulators in the pixel array allow the pixels to have higher dynamic range (i.e., the camera containing the pixel array produces brighter brights and darker darks). El Gamal et al. supplies no method whatsoever for producing thicker gate oxides in the pixel array. Note figure 5, column 4 lines 51-58, and column 5 lines 22-25 of El Gamal et al. This is not a fatal flaw, enablement-wise, for El Gamal et al.'s patent, however, because prior to El Gamal et al.'s invention Huang et al. disclosed a method of producing thicker and thinner gate oxides comprising b) a step (step 20 in figure 2) of forming an SiO_2 first gate insulator on a top face of the p-type epitaxial layer by thermally oxidizing the p-type epitaxial layer; c) a step (step 22 in figure 2) of forming a mask (resist) on a top face of the first gate insulator in the pixel array; d) a step (step 30 in figure 2) of

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removing the first gate insulator in the logic circuit by using the mask; e) a step (step 32 in figure 2) of removing the mask in the pixel array using a thinner; and a modification of Rhode's step of forming the second gate insulator, comprising forming the second gate insulator on the top face of the first gate insulator in the pixel array and a top face of the p-type epitaxial layer in the logic circuit; and basing pixel transistors on the first and second gate insulator layers while basing a logic transistor on only the second gate insulator layer. Note figure 2, column 2 lines 62-67, and column 3 lines 1-9 of Huang et al. Further, Yang et al. disclose a highly efficient method for forming a CMOS image sensor, wherein all the drive transistors, the select transistors, the transfer transistors and the reset transistors of a pixel are identical. It was Yang et al.'s discovery that the fastest and cheapest way to make drive transistors D_x , select transistors S_x , transfer transistors T_x and reset transistors R_x of pixel 713 was to first simultaneously form each of the gate insulators 711 of said transistors, each identically to its fellows, then to simultaneously and identically form all the gates 710 of said transistors, then to simultaneously and identically form all the sidewalls 726, then to simultaneously and identically form all the diffusions 729. Note figures 7E-7I and column 8 lines 7-64 of Yang et al. Yang and his illustrious co-workers thus suggested to one of skill in the art that that the most efficient way to apply El Gamal's teaching of using thicker gate insulators in the pixel region to obtain greater dynamic range to Rhodes' CMOS imager would be to simultaneously and identically form said thicker gate insulators in the al of the plurality of the drive transistors, the select transistors, the transfer transistors, and

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the reset transistors of said pixel region. Therefore, it would have been obvious to a person having skill in the art to augment Rhodes's method for manufacturing a CMOS image sensor with the steps of b) forming an SiO₂ first gate insulator on a top face of the p-type epitaxial layer by thermally oxidizing the p-type epitaxial layer; c) forming a mask (resist) on a top face of the first gate insulator in the pixel array; d) removing the first gate insulator in the logic circuit by using the mask; e) removing the mask in the pixel array using a thinner; and forming the second gate insulator on the top face of the first gate insulator in the pixel array and a top face of the p-type epitaxial layer in the logic circuit; and basing all the drive transistors, the select transistors, the transfer transistors, and the reset transistors in the pixel on the first and second gate insulator layers while basing a logic transistor on only the second gate insulator layer, such as disclosed by Huang et al. and Yang et al., and suggested by El Gamal et al., in order to allow the pixels to have higher dynamic range to thus provide a camera containing the pixel array with brighter brights and darker darks.

B. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over RHODES (6,333,205) in view of EL GAMAL ET AL. (6,642,543), HUANG ET AL. (6,146,795), and YANG ET AL. (6,184,055), as applied to claim 5 above, and further in view of AHN (5,804,491).

Rhodes, El Gamal et al., Huang et al., and Yang et al. suggest a method for manufacturing a CMOS image sensor with all the limitations of claims 7-9 except a step of removing a gate insulator by wet-etching with HF or BOE. Note figures 1,2,4-17,

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column 3 lines 15-25, and column 7 lines 25-45 of Rhodes. Note figure 5, column 4 lines 51-58, and column 5 lines 22-25 of El Gamal et al. Note figure 2, column 2 lines 62-67, and column 3 lines 1-9 of Huang et al.

However, Ahn discloses a method for manufacturing with a step of removing a gate insulator by wet etching with HF or BOE. Note column 5 lines 28-31 of Ahn. Therefore, it would have been obvious to a person having skill in the art to replace the thinner of Huang et al.'s step of removing a gate insulator with the HF or BOE such as taught by Ahn in order to quickly and fully remove the gate insulator to thus provide more efficient manufacture

C. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over RHODES (6,333,205) in view of EL GAMAL ET AL. (6,642,543), HUANG ET AL. (6,146,795), and YANG ET AL. (6,184,055), as applied to claim 5 above, and further in view of HORI ET AL. (5,707,487).

Rhodes, El Gamal et al., Huang et al., and Yang et al. suggest a method for manufacturing a CMOS image sensor with all the limitations of claims 7-9 except a step of removing a mask using sulfuric acid or an O₂ plasma etch. Note figures 1,2,4-17, column 3 lines 15-25, and column 7 lines 25-45 of Rhodes. Note figure 5, column 4 lines 51-58, and column 5 lines 22-25 of El Gamal et al. Note figure 2, column 2 lines 62-67, and column 3 lines 1-9 of Huang et al.

However, Hori et al. discloses a method for manufacturing with a step of removing a mask using sulfuric acid or an O₂ plasma etch. Note column 2 lines 38-41 of Hori et al.

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Therefore, it would have been obvious to a person having skill in the art to replace Huang et al.'s step of removing a mask with the step of removing a mask using sulfuric acid or an O₂ plasma etch such as taught by Hori et al. in order to quickly and fully remove the mask to thus provide more efficient manufacture.

Allowable Subject Matter

2. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments with respect to claims 5 and 7-13 have been considered but are moot in view of the new ground(s) of rejection.

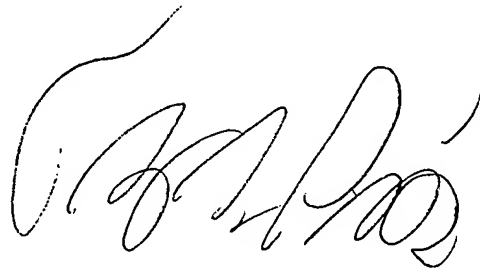
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas L. Dickey whose telephone number is 571-272-1913. The examiner can normally be reached on Monday-Thursday 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'T. L. Dickey', is positioned above the printed name.

Thomas L. Dickey
Patent Examiner
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06/06